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AUG 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Mail Stop PETITIONS
)	
IRGANG et al.)	Group Art Unit: 1754
)	
Serial No. 08/892,561)	Examiner: Dunn
)	
Filed: July 14, 1997)	
)	
For: CATALYSTS OR CARRIERS WHICH CONSIST ESSENTIALLY OF MONOCLINIC ZIRCONIUM DIOXIDE)	

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on August 15, 2005.

Typed or printed name of person signing this certificate: Jason D. Voight

Signature: 

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

The Decision on Petition dated July 7, 2005 states that "[a] grantable petition...under 37 CFR 1.137(b) must be accompanied by...(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" and that "[t]he instant petition does not satisfy requirement (3)." However, the original petition clearly states that "[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." Applicants now reiterate that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

In the Decision on Petition, the Office also requires additional information. As noted in the original petition, the attorney, John H. Shurtleff, responsible for the case at the time of the

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abandonment, passed away prior to filing a response to an Office action dated December 9, 1997. Applicants had sent him instructions in a letter of December 16, 1997 (copy enclosed) to continue prosecution. Applicants further sent a new Declaration and Assignment on January 6, 1998 (copy of cover page enclosed) needed for continuing prosecution. The exact date of Mr. Shurtleff's death is unknown, but it is now clear that he died before he could file a response in accordance with applicants' instructions, thus leading to abandonment of the application. After applicants sent the letters of December 16, 1997 and January 6, 1998, their docketing system showed the case as pending and did not show any further necessary action on the case. Rather, applicants relied on Mr. Shurtleff to file a response as instructed and to inform them of any developments in the case. While Mr. Shurtleff's docketing system presumably still did show an action due on the case as of January 6, 1998, Mr. Shurtleff's death left no one to check this docketing system and no one to forward the Notice of Abandonment to applicants or otherwise inform applicants regarding the status of the case.

Applicants first learned of Mr. Shurtleff's death in approximately early March of 2004 (the exact date was not recorded) from a colleague who had heard of Mr. Shurtleff's death. In a letter of March 23, 2004 (copy enclosed), applicants requested the undersigned's firm to take over the representation of the case and report on the status thereof. The undersigned's firm was initially unable to find any information regarding the status of the case and requested a Power of Attorney (see enclosed letter dated May 14, 2004). Upon receiving the Power of Attorney and conducting further investigation, on August 2, 2004, the undersigned first discovered the abandoned status of the application and informed the applicants thereof. Applicants shortly thereafter instructed the undersigned to petition to revive the application. Further

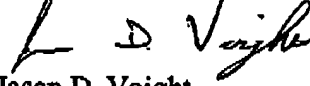
IRGANG et al., Ser. No. 08/892,561

communications between the undersigned and the applicants were needed to determine an appropriate response to the outstanding Office action, in particular because said Office action was "final". After reconstructing the file and preparing such a response, applicants filed the present petition on November 8, 2004.

"The Office is almost always satisfied as to whether 'the entire delay...was unintentional' on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay)." MPEP 711.03(c)II.C. Accordingly, in view of the above explanation and enclosed copies of correspondence, applicants urge that the present petition should be granted.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 14.1437. Please credit any excess fees to such account.

Respectfully submitted,
NOYAK DRUCE DeLUCA & QUIGG LLP


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MODUS = SPEICHER-ÜBERTRAGUNG

START=16-DEZ 18:35

ENDE=16-DEZ 18:37

DATEI-NR. = 062

NR.	KOMM.	ZW/KW/ NETZW.ADR.	NAME/ RUFNUMMER	SEITEN	PRG.NR.	PROGRAMMNAME
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BASF Aktiengesellschaft

BASF**TELEFAX**

DATE

16 DEZ 1997

NUMBER OF PAGES

FROM BASF Aktiengesellschaft
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 D-67056 Ludwigshafen

Tel.No. 0621/60-43685
 Fax-No. 0621/60-21908

TO Law Offices John H. Shurtleff Chicago U.S.A.

FAX-NO. 001-312-7820936

IRGANG et al. - Ser. No. 08/571,091 - O.Z. 0050/45,497 Gro
 Your fax dated December 12, 1997

Dear Mr. Shurtleff,

Thank you for the above-mentioned one page fax.

We are agreeable to your proposed steps to continue prosecution of the instant case.

Very truly yours,
 BASF Aktiengesellschaft
 Patents, Trademarks and Licenses
 i.A.

i.A. Gross

BASF Aktiengesellschaft

From: Patent Dept.

Code: 20X/A

Name: Mrs. Sturiale

Telefon: (0621) 60-78922

Datum: 6.1.98

Ihre Zeichen:

Kurzmitteilung

BASF Aktiengesellschaft · D-6700 Ludwigshafen

0.2 0050/45497

Ser.-No. 08/571.091

Dear Sirs:

Enclosed please find
the new undersigned
Declaration.

Very truly yours

Sitz der Gesellschaft: D-6700 Ludwigshafen

Sturiale

Beigefügte Unterlagen erhalten Sie mit der Bitte um

☐ Kenntnisnahme/Prüfung

☐ Stellungnahme

☐ Rücksprache

☐ Erledigung und Bericht

☐ Entscheidung/Unterschrift

☐

☐ Weitergabe an

☐ Wiedervorlage

☐ und Rückgabe

☐ zum Verbleib/Ablage

☐ weitere Veranlassung

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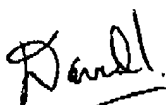
Unterschriften

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Messrs. Keil & Weinkauff
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U.S.A.

March 23, 2004 /rs
GVX/H - C 6

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US Ser. No. 08/571,091 (IRGANG et al.) - Our Ref. PF 0000045497 rs
US Ser. No. 08/673,288 (DINGERDISSEN et al.) - Our Ref. PF 0000045964 rs
US Ser. No. 08/779,376 (FETZER et al.) - Our Ref. PF 0000043415 rs

Ladies and gentlemen,

We would ask you to take over the representation of the above-mentioned cases before the USPTO.

The patent applications had been looked after so far by the Law Offices John H. Shurtleff. After we had heard of Mr. Shurtleff's death we checked our files and have found that for all cases the last correspondence between BASF and Mr. Shurtleff dated back to the years 1998 or 1999 (Ser. No. 08/571,091: sending the Declaration/Power of Attorney on Jan. 06, 1998; Ser. No. 08/673,288: sending the European Search Report on April 07, 1999; Ser. No. 08/779,376: instruction to file a Terminal Disclaimer of April 23, 1998).

We have not received any information from Mr. Shurtleff's office or of the Office/Attorney that has been instructed to settle the cases up to now. Kindly check the status of these cases and let us have an update.

Please feel free to contact us if you have any questions.

Very truly yours

BASF Aktiengesellschaft
Patents, Trademarks and Licenses


i. A. Schoner

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Eintragungsnummer: HRB 3000

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Vorstand: Jorgen Strube, Vorsitzender;
Max Dietrich Kley; stellv. Vorsitzender:
Helmut Becke, Jorgen Hambrecht;
Stefan Marciniowski; Peter Oeldey;
Volker Trautz; Eggen Voscherau

Keil&Weinkauff.DOC

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May 14, 2004

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BASF Aktiengesellschaft
Patentabteilung GVX-C6
67056 Ludwigshafen
GERMANY

RE: PF 0000045497 rs, US 08/571,091 (IRGANG et al.)
PF 0000045964 rs, US 08/673,288 (DINGERDISSEN et al.)
PF 0000043415 rs, US 08/571,091 (FETZER et al.)

Dear Mrs. Schoner:

Thank you for your letter of March 23, 2004 regarding the above-identified applications.

We have made a preliminary search of the USPTO electronic records, and have been unable to locate any information as to the status of these cases. To facilitate further inquiry and prosecution of the applications, please complete the filing date and title for each attached Power of Attorney, have them signed by two authorized representatives of BASF AG and return them for filing with the USPTO, which will formally turn representation over to our firm. We will then be able to proceed in accomplishing the indicated task.

Very truly yours,
KEIL & WEINKAUF



David C. Liechty

Enclosures
DCL/kas